## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

## CRIMINAL NO. 1:04CR115

UNITED STATES OF AMERICA	)	
VS.	)	ORDER
MERLE LEROY ADAMS, JR.	) )	
	)	

**THIS MATTER** came on for hearing before the Court on the Magistrate Judge's Memorandum and Recommendation, filed June 28, 2005.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court,
United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in
the captioned criminal action and to submit to this Court recommendations for the disposition of
these motions.

On June 28, 2005, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the Defendant's motion to suppress. Defendant duly filed objections thereto.

This case was called for trial on July 11, 2005, at which time the undersigned placed on the record that after a careful review of the Magistrate Judge's Recommendation and the Defendant's objections, the Court found that the proposed findings of fact were supported by the record and that the proposed conclusions of law were consistent with current case law. The

Court accepted the Magistrate Judge's Recommendation that the motion to suppress be denied and the Defendant's objections were overruled.

**IT IS, THEREFORE, ORDERED** that, for the reasons stated in open court, the Defendant's motion to suppress is hereby **DENIED**.

**Signed: July 22, 2005** 

Lacy H. Thornburg United States District Judge